

# **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent application of :  
Sherwood CREEDLE et al. : Group Art Unit: 4175  
Application No.: 10/673,142 : Examiner: Adam G. Hale  
Filed: September 30, 2003 : Confirmation No.: 3841

## **ADMINISTERING A CONTACT OVER A DATA NETWORK**

### **DECLARATION OF SHERWOOD CREEDLE**

1. I, Sherwood Creedle, declare that I have first-hand knowledge of the facts set forth in this Declaration
2. I am an inventor of the claimed subject matter of U.S. Patent Application No. 10/673,142, Attorney Docket No. HART.0002.
3. More than one year prior to October 4, 2002, a private meeting was held at Cap Tech Ventures, Inc.'s office in Richmond, Virginia, which included myself, co-inventor Michael Petersen of Hart Business Solutions (assignee of the present application), Kevin McQueen of Hart Business Solutions' software developer CapTech Ventures, Inc. ("Captech"), two general contractors and one subcontractor. There were no other attendees at the meeting.
4. Each attendee was personally invited by me, and no one other than the invited attendees were permitted to participate.
5. At the time of the meeting, Hart Business Solutions was in the preliminary design stages, and no software code had yet been developed or written.
6. I considered the attendees to have experience and expertise in the performance and administration of construction contracts.
7. The purpose of the meeting, therefore, was to gather feedback and to determine whether a product generally enabling administration of a contract over the Internet was desirable, and whether there was a potential market for such a product.
8. It was not the purpose of the meeting to offer to sell such a product to any of the attendees, and an offer to sell was not made during the meeting.
9. The meeting was not open to the public, and each of the attendees was expressly informed that the information presented during the meeting was confidential and proprietary.

10. A copy of the PowerPoint presentation, attached to the Information Disclosure Statement, filed April 9, 2004, was distributed to each of the attendees during the meeting, and was subsequently collected from each of the attendees at the conclusion of the meeting.
11. The attendees were instructed not to take notes of the presentation during the meeting.
12. There was no discussion of price at the meeting.
13. There was no discussion of delivery time or place at the meeting.
14. "Guests" listed on page 3 of the PowerPoint presentation referred to the two general contractors and one subcontractor who attended the meeting.
15. Hart Business Solutions had a written confidentiality/non-disclosure agreement in place with Captech, which developed software relating to the invention, at the time of the meeting.
16. One of the attending general contractors had previously entered into a confidentiality agreement with Sherwood Creedle and Michael Peterson of Hart Business Solutions.
17. I understand that willful false statements are punishable by fine, imprisonment, or both, as provided by 18 U.S.C. 1001, and may jeopardize the validity of the present application or any patent issuing thereon.

I declare that all statements made herein are based upon my own knowledge and to the best of my knowledge, are true and all statements made on information and belief are believed to be true.

  
Sherwood Creedle